SINGLE BENCH

(1) (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO.6223 OF 2005

PETITIONER

Madan Mohan Singh , S/o Late Nand Lal Singh, Aged about 53 years, Occupation – Assistant Teacher, Government Middle School Salka, Block Udaipur, District Surguja (C.G.)

P.R. No. 6209/25 Rakesh Pandey
Presented on 21/12/25
dated

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Tribal Welfare Department, DKS Bhawan Raipur (C.G.)

2. The Assistant Commissioner, Tribal ~~Welfare,~~ Ambikapur, District – Surguja C.G.

3. The Block Education Officer, Udaipur, District- Surguja C.G.

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WRIT PETITION UNDER ARTICLE ~~226~~/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

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HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 6223 of 2005

Petitioner — Madan Mohan Singh
Versus
Respondents — State of Chhattisgarh & others
SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Miss Poornima Singh, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 1st day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Govt. Middle School, Salka, Block –Udaipur, District- Surguja was transferred to the office of the Block Education Officer, Kusmi on the same terms and conditions and he was relieved vide impugned order dated 16.11.2005 (Annexure P/1) to join the new place of posting.
2. This Court vide interim order dated 13.12.2005 directed to keep the impugned relieving order in abeyance and the petitioner be allowed to continue at Salka, Block- Udaipur. By virtue of the interim order, the petitioner has continued at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. Consequently, M(W)P No. 4930/2005 stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur